

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 4:22 CR 32
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
PHILLIP D. WHITMAN,)	
)	
Defendant)	<u>ORDER</u>

Currently pending before the court in the above-captioned case is Defendant Phillip D. Whitman’s Motion to Reduce Sentence (“Motion”) (ECF No. 34). In 2022, the court sentenced Whitman to a 68-month term of imprisonment for bank robbery. (ECF No. 32.) Whitman now argues that USSG § 4A1.1(e), which amended the calculation of criminal-history points for defendants, entitles him to a reduced sentence. (Mot. at PageID #184–85.) However, as the Government points out, the court may not reduce a sentence where § 4A1.1(e) “does not have the effect of lowering the defendant’s applicable guideline range.” USSG § 1B1.10(a)(2)(B). Here, Whitman does not dispute that, even after applying § 4A1.1(e), his criminal-history category (V) and guideline range (57 to 71 months) remain unchanged. Whitman thus is not entitled to a reduced sentence, and the court denies his Motion.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

April 26, 2024